

3748

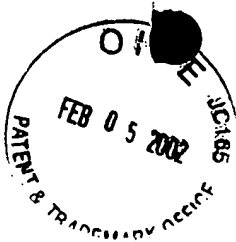
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Applicati n Number	09/787,651	
	Filing Dat	June 28, 2001	
	First Named Inventor	Dieter Otto	
	Group Art Unit	3748	
	Examiner Name		
Total Number of Pages in This Submission	3	Attorney Docket No.	1589.GLE.PT

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Appeal Communication: <input type="checkbox"/> Appeal Notice <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief <input type="checkbox"/> Assignment with Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Check in the amount of \$____ <input type="checkbox"/> Declaration Claiming Small Entity Status for: <input type="checkbox"/> Independent Inventor <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Declaration & Power of Attorney <input type="checkbox"/> Drawings ____ sheets <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Extension of Time Request ____ month <input type="checkbox"/> Fee Calculation Table <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> § 1.97 (1) <input type="checkbox"/> § 1.97 (2) <input type="checkbox"/> § 1.97 (3) <input type="checkbox"/> Form 1449 <input type="checkbox"/> Copies of IDS References <input type="checkbox"/> Issue Fee Transmittal & Advance Order	<input type="checkbox"/> Maintenance Fee Transmittal ____ year <input type="checkbox"/> Missing Parts Response <input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input type="checkbox"/> Status Inquiry <input type="checkbox"/> Other:
<b>Remarks</b>  <p style="text-align: center;">COPY OF PAPERS ORIGINALLY FILED</p>		

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Attorney for Applicant	Frank W. Compagni, Registration No. 40,567 Morriss, Bateman, O'Bryant & Compagni, P.C. 5882 South 900 East, Suite 300 Salt Lake City, Utah 84121 (801) 685-2302 telephone; (801) 685-2303 facsimile		
Signature		Date	1/4/02
CERTIFICATE OF MAILING UNDER 37 CFR § 1.8			
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Typed or Printed Name	Frank W. Compagni		
Signature		Date	1/4/02



#9  
2-26-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dieter Otto  
Serial Number: 09/787,651  
(U.S. National Phase of PCT Appl. No. PCT/EP99/07111)

Filed: 28 June 2001  
Group: 3748  
Examiner: Theresa Trieu  
For: VACUUM PUMP  
Attorney Docket: 1157.GLE.PT

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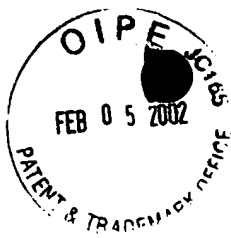
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Assistant Commissioner for Patents,

Washington, D.C. 20231 on 1/4/02  
(Date of deposit)

**RESPONSE**

Dear Sir:

In response to the Office Action Mailed on December 6, 2001 and the restriction requirement therein, the applicant elects the species of Figures 1-9 without traverse for purposes of examination. Claims readable on the elected species include, but are not necessarily limited to, claims 33-42, 60-71, 89-99, 117, 118, 120 and 121.



## CONCLUSION

The Applicant respectfully submits that the application is now in condition for allowance. Furthermore upon allowance of any generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependant form or otherwise include all of the limitations of the allowed generic claim. The applicant further notes that all claims directed to the non-elected species are currently in dependent form and therefore respectfully submits that at least each of the independent claims under consideration are generic. Should the Examiner determine that additional adverse action is necessary on the application, it is respectfully requested that she contact Frank W. Compagni at (801) 685-2302 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any amounts due or credit any overpayment relating to this application to deposit account no. 50-0881.

DATED this 4th day of January 2002.

Respectfully Submitted,

MORRISS, BATEMAN, O'BRYANT & COMPAGNI

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